

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43527 of 2022

Arising Out of PS. Case No.-1 Year-2021 Thana- RAGHUNATHPUR District- Siwan

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AJEET YADAV S/O LATE KEDAR YADAV Resident of village-
Raghunathpur, P.S.- Raghunathpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Raghunathpur P.S. Case No. 01 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret information that the petitioner and other co-accused persons were selling the illicit liquor from an orchard. A raid was conducted and 80 liters of illicit country made *mahua* liquor was recovered. The petitioner and other co-accused persons are



stated to have fled away from the spot on seeing the police party.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. No recovery has been made from the conscious possession of this petitioner. He was not present on the spot and was not apprehended from the spot. The petitioner has no concern with the land from where liquor was allegedly recovered. Moreover, it is an open place. Charge sheet has been submitted in this case and the petitioner is in custody since 16.12.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and he is accused in a number of cases of similar nature.

Having regard to the submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional



District Judge, Special Excise Court No. 2, Siwan in connection with Raghunathpur P.S. Case No. 01 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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